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Supreme Court
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In The

Supreme Court of the United States

In RE: MICHAEL R. SHEMONSKY,

Petitioner.

PETITION FOR WRIT OF MANDAMUS

MICHAEL R. SHEMONSKY
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Weatherly, PA 18255
(570) 427-4958

QUESTIONS PRESENTED

1. Can a sua sponte order dissolve a consolidated case when jurisdiction was previously granted?
2. Can a per curiam order not identifying the fascist judge supersede a panel opinion?
3. Does an order of consolidation create a single order?
4. Does Rule 7041-C of the Bankruptcy Court stay the opinion when petitioner has filed adversary proceedings?

TABLE OF CONTENTS

	Page
Questions Presented	i
Table of Contents	ii
Index to Appendices	iii
Table of Authorities	iv
Petition for Writ of Mandamus	1
Opinions Below	1
Jurisdiction	1
Constitutional and Statutory Provisions Involved	1
Statement of the Case	1
Reasons for Granting the Writ	3
Reasons for Not Making Application in the District	3
Exceptional Circumstances to Warrant the Court's Discretionary Powers	3
Conclusion	4

INDEX TO APPENDICES

Page

Appendix A – Fraudulent Orders No. 113 and No. 119 PA Supreme Court ..... App. 1

Appendix B – True and Correct Orders No. 113 and No. 119 PA Supreme Court ..... App. 2

Appendix C – Amendment V to the United States Constitution ..... App. 3

TABLE OF AUTHORITIES

Page

CASES:

United States v. Winstar Corp. et al., 518 U.S. 839 (1996) 2

CONSTITUTION:

United States Constitution Fifth Amendment 1, 2

STATUTES:

United States Code Title 28, Section 1651(A) 1

PETITION FOR WRIT OF MANDAMUS

Petitioner, Michael R. Shemonsky, respectfully prays that a Writ of Mandamus be issued upon the Pennsylvania Supreme Court to compel them to docket his consolidated cases and to return the assets of Atlantic Financial plus court award damages from January 11, 1990.

OPINIONS BELOW

The unpublished opinion of the Supreme Court of Pennsylvania appears in Appendix A.

JURISDICTION

The Court of Appeals order in this matter was filed May 4, 2007. This court's jurisdiction is invoked under Title 28 U.S.C. Section 1651(A).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment V to the United States Constitution is set forth in Appendix C, exhibit to this petition.

STATEMENT OF THE CASE

Michael R. Shemonsky, Petitioner, is the alter ego of Atlantic Financial, a savings and loan.

On May 1, 1982, Atlantic Financial loaned the United States government $458,654,000.00 at 45% interest compounded daily for supervisory goodwill contracts.

On August 9, 1989, the United States government breached its supervisory goodwill contracts with the passage of FIRREA, a Fifth Amendment taking.

On January 11, 1990, M. Danny Wall, the unconstitutionally appointed director of the Office of Thrift Supervision illegally and fraudulently seized Atlantic Financial even though our receivable totaled $1,064,422,972.00 from the United States government (*U.S. v. Winstar Corp. et al.*, 518 U.S. 839 (1996)).

On January 7, 1994, the F.B.I. illegally arrested the Petitioner without a warrant or indictment. (Violation of the Fifth Amendment of the Constitution.)

On January 16, 2003, Thomas Vanaskie, Chief Judge of the United States District Court for the Middle District of Pennsylvania, ordered an injunction from the bench without a hearing, restraining Petitioner from filing any papers in any court pertaining to his illegal arrest and/or Atlantic Financial. (Violation of the Fifth Amendment of the Constitution.)

On August 17, 2004, the Third Circuit Court of Appeals denied judicial fraud on case No. 90-5392, subject to Supreme Court review.

On July 15, 2005, the F.B.I. illegally arrested the Petitioner without an indictment or probable cause. (Violation of the Fifth Amendment of the Constitution.)

REASONS FOR GRANTING THE WRIT

1. Shemonsky, the party seeking the writ, does not have any other means to obtain the desired relief due to fraud by the Supreme Court of Pennsylvania.

2. Shemonsky was harmed by a prejudicial appeal by the Supreme Court of Pennsylvania.

3. The Supreme Court of Pennsylvania abused its discretion.

4. The writ raises important and novel problems or issues of law.

REASONS FOR NOT MAKING APPLICATION IN THE DISTRICT

The writ raises constitutional issues concerning the illegal arrest by the F.B.I. and subsequent commitment by the court, as well as the illegal restraining order by the United States District Court for the Middle District of Pennsylvania and United States District Court for the Eastern District of Pennsylvania, with multiple criminal violations by the judicial officers of the court.

EXCEPTIONAL CIRCUMSTANCES TO WARRANT THE COURT'S DISCRETIONARY POWERS

Petitioner bought stocks and bonds in a savings and loan, Atlantic Financial Federal, and has been arrested by the F.B.I. and committed to Butner North Carolina Mental Hospital as well as M.C.C. in New York. Also, Petitioner

has numerous injunctions against him, put in place by the Third Circuit Court of Appeals, the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.

Petitioner has proven to the F.B.I. Bank Fraud Squad in Philadelphia, Pennsylvania, that the savings and loan crisis was indeed a beguiling by Ronald Reagan and George H.W. Bush. Petitioner has found no other means of obtaining relief from any other court.

CONCLUSION

It is the opinion of Petitioner that there has been a conspiracy by the United States government and its judicial system. Therefore, petitioner seeks relief through the exercise of this Court's powers.

Dated: June 11, 2007

Respectfully submitted,

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APPENDIX A

IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

Commonwealth of Pennsylvania, Thomas Corbett, Attorney General,	: No. 113 MAP 2006
v.	
Boris Michael Surgent, et. al.	
Appeal of: Sharon A. Gimbi	
Joseph A. Fessler & Ann Fessler,	: No. 119 MAP 2006
v.	
Leonora Hannagen, et. al.	
Appeal of: Michael Shemonsky	

ORDER

AND NOW, this 4th day of May, 2007, upon review of the briefs filed in these cases it appears that the Motion To Consolidate was granted inappropriately; now therefore the Order of January 4, 2007, consolidating the appeals is herewith, sua sponte, vacated.

/s/ Irene M. Bizzosa
Prothonotary

APPENDIX B

IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	: No. 113 & 119 MAP : 2006
v.	:
BORIS MICHAEL SURGENT, ET. AL.	:
APPEAL OF: SHARON A. GIMBI	:
JOSEPH A. FESSLER, ET. AL.,	:
v.	:
LEONORA HANNAGAN	:
APPEAL OF: MICHAEL SHEMONSKY	:

ORDER

AND NOW, this 4th day of January, 2007, the Motion To Consolidate Appeals is granted.

/s/ Irene M. Bizzosa
Prothonotary

APPENDIX C

UNITED STATES CONSTITUTION

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for

obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.